



City of Norfolk

Office of the City Manager

C: Dir., Planning & Community Development

July 18, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Special Exception – 5547 – 5553
Woodbine Road.

Ladies and Gentlemen:

I. Recommended Action:

The attached ordinance approves the request should it be the desire of Council.

II. Overview

This agenda item is to permit a Special Exception on premises located at 5547 – 5553 Woodbine Road.

III. Analysis

A. General

This lot is currently subdivided into three-(3) lots – two-(2) flag lots which are developed with two-(2) single-family homes and a third lot which fronts directly onto Woodbine Road and is under separate ownership. The applicant is proposing to consolidate all three-(3) parcels and re-subdivide this property into five-(5) lots while maintaining the existing homes. To accommodate the proposed subdivision a new road would be required along the eastern portion of the property.

The proposal would eliminate one of the two existing flag lots, bring the remaining flag lot into conformance and allow three-(3) additional homes to be built on the lot.

Please note that in July of last year, City Council approved a recommendation from the Planning Commission to require a special exception to create a flag lot.

The City Council, in considering these conditions, must also determine that the proposed Special Exception complies with each of the requirements of Section 25-7 of the Zoning Ordinance of the City of Norfolk. The requirements address compatibility with the objectives and policies of The General Plan of Norfolk, assurance against a negative impact on the value of other properties within the neighborhood, traffic congestion, impact on natural resources (water and air quality) and other conditions as noted in the attached ordinance.

It should be noted that violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

- B. Fiscal
N/A
- C. Environmental
N/A
- D. Community Outreach/Notification
Notification for this item was done through the City of Norfolk's regular agenda notification process.

IV. Board/Commission Action

By a 7 to 0 vote, the Planning Commission unanimously recommends **approval** of this special exception to create a flag lot. There was a subsequent motion to **reconsider** that decision when it was determined the Commission's vote was based on the belief staff had provided a positive recommendation of this proposal. In fact, it was recommended by staff that this request for a flag lot be denied. A motion to reconsider was denied due to the applicant being absent from public hearing.

The Administration is recommending **denial** of this application. The applicant is proposing a total of five-(5) homes on the site. However, without the flag lot, two-(2) additional homes can be built on the site for a total of four-(4) homes. There are currently two other subdivisions of property in the immediate area that have been approved without requesting special exceptions for flag lots. Please note that current land use patterns provide the opportunity for other flag lots requests in this neighborhood. Granting this special exception could result in similar requests for flag lots in this neighborhood.

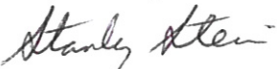
However, should approval be considered, the special exception should be subject to the additional following conditions:

- 1) The only use permitted on the flag lot shall be a one-family dwelling.

V. Conclusion

Approval of a special exception is required for the applicant to create a flag lot on this project. The attached ordinance approves the request should it be the desire of Council.

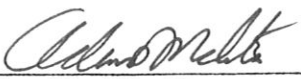
Respectfully submitted,


for Regina V.K. Williams
City Manager

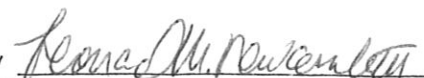
Form and Correctness Approved:

Contents Approved:

By


Office of the City Attorney

NORFOLK, VIRGINIA

By
DEPT.**ORDINANCE No.**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT
THE CREATION OF A FLAG LOT ON PROPERTY LOCATED AT 5547
AND 5553 WOODBINE ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the creation of a flag lot on property located at 5547 and 5553 Woodbine Road. The property which is the subject of this Special Exception is more fully described as follows:

Property extending 130 feet, more or less, along the southern line of Woodbine Road beginning 360 feet, more or less, from the western line of Shorewood Drive and running westwardly; flag lot to begin 300 feet, more or less, from the southern line of Woodbine road and run southwardly; premises known as 5547 and 5553 Woodbine Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The only use permitted on the flag lot shall be a one-family dwelling.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not

substantially diminish or impair the value of the property within the neighborhood in which it is located;

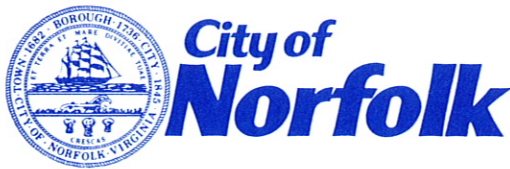
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the

particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.



Inter Department Correspondence Sheet

TO: City Manager

FROM: City Planning Commission

COPIES TO:

SUBJECT: Application Special Exception (Cont. 10 P.H. 25 May 2006)

PART 1: APPLICATION DESCRIPTION:

Nature of Application:

Special Exception: To create a flag lot

Location: 5547 – 5553 Woodbine Road (Maps 1 and 2).

Applicant: Robert Hedgepeth

Property Owner: Robert Hedgepeth

Description of proposed use:

The lot is currently subdivided into 3 lots – 2 flag lots which are developed with 2 single-family homes and a third lot which fronts directly onto Woodbine Road and is under separate ownership. The applicant is proposing to consolidate all 3 parcels and re-subdivide this property into 5 lots while maintaining the existing homes. To accommodate the proposed subdivision a new road would be required along the eastern portion of the property.

The proposal would eliminate one of the two existing flag lots, bring the remaining flag lot into conformance and allow 3 additional homes to be built on the lot.

In July of last year, City Council approved a recommendation from the Planning Commission to require a special exception to create a flag lot.

Description of existing land use pattern:

The site is located in the Woodbine residential neighborhood which is developed with single-family homes.

PART 2: ANALYSIS/EVALUATION:

Prior Zoning History:

The Planning Commission has not recently considered any applications in the general vicinity.

Neighborhood Impact:

The site is located in a well-established residential neighborhood with many lots abutting the Elizabeth River. Currently the neighborhood is undergoing several new subdivisions which meet all City regulations and are increasing the density of the neighborhood. Without the benefit of the special exception, the applicant could potentially subdivide the site to accommodate the 2 existing homes as well as 2 additional homes. A flag lot is not warranted.

General Plan Impact:

The General Plan designates the area as low density residential. This proposal would be considered to be in conformance with the General Plan.

Zoning Impact:

The site is currently subdivided into 3 parcels. Two of the parcels are flag lots and are developed with single-family homes. The third lot, which is under separate ownership, does not meet the minimum lot size and would therefore require a special exception to build on a substandard lot.

The applicant is proposing to consolidate the property and build a new road which would access the 5 new lots. The 3.6 acre site is located in an R-5 (One Family) district that requires a minimum lot width of 100 feet and a minimum lot size of 10,000 square feet. The proposed flag lot will provide the minimum required 20 feet of street frontage.

This application is for a special exception, which acknowledges that while the use is generally permitted in the district, it is of such a character that careful scrutiny is needed to determine if it is appropriate in this specific location and, if so, under what conditions.

The Zoning Ordinance applies the following criteria for flag lots:

- (a) Where lots of unusual depths contain sufficient area to permit, by

subdivision, the creation of more than one lot, one flag lot may be created.

- (b) A flag lot shall have a minimum of 20 feet of frontage on a public street. No portion of the flag lot shall measure less than 20 feet between the buildable area and the street property.
- (c) The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district.
- (d) The required yards for a flag lot shall not be less than ten feet in width as measured from the interior property lines.
- (e) The lot width for a flag lot shall not be less than the minimum lot width of the applicable district and shall be measured at the point of the required setback from the portion of the flag closest to the public street.

While the proposed flag lot meets the minimum square footage requirements for this zoning district, it does not meet the minimum lot frontage requirements of 20 feet.

If this Special Exception is granted, the applicant will also be required to go to the Board of Zoning Appeals for a variance on the minimum lot frontage requirements for the flag lot.

PART 3: RECOMMENDATION

The Planning Commission unanimously recommended (by a 7 to 0 vote) that this special exception to create a flag lot be approved. A motion to reconsider based on the Commission's mistake of fact of having a positive staff recommendation. A motion to reconsider was denied due to the applicant being absent from public hearing.

However, should approval be considered, the special exception should be subject to the additional following conditions:

- 1) The only use permitted on the flag lot shall be a one-family dwelling.
- 2) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- 3) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- 4) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as

specified in section 25-8 below, to mitigate potential adverse impacts;

- 5) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- 6) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 7) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- 8) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- 9) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- 10) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- 11) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- 12) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.
- 13) Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

MAPS:

1. Location and Zoning
2. Site
3. Site Plan

Property Description:

Property extending 130 feet, more or less, along the southern line of Woodbine Road beginning 360 feet, more or less, from the western line of Shorewood Drive; flag lot to begin 300 feet, more or less, from the southern line of Woodbine Road and running southwardly; premises numbered 5547 -5553 Woodbine Road.

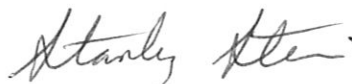
Proponents:

Eric Garner
242 Mustang Trail, Suite B
Virginia Beach, VA 23452

Robert Hedgepeth *sup*
5547 Woodbine Road
Norfolk, VA

Opponents:

None

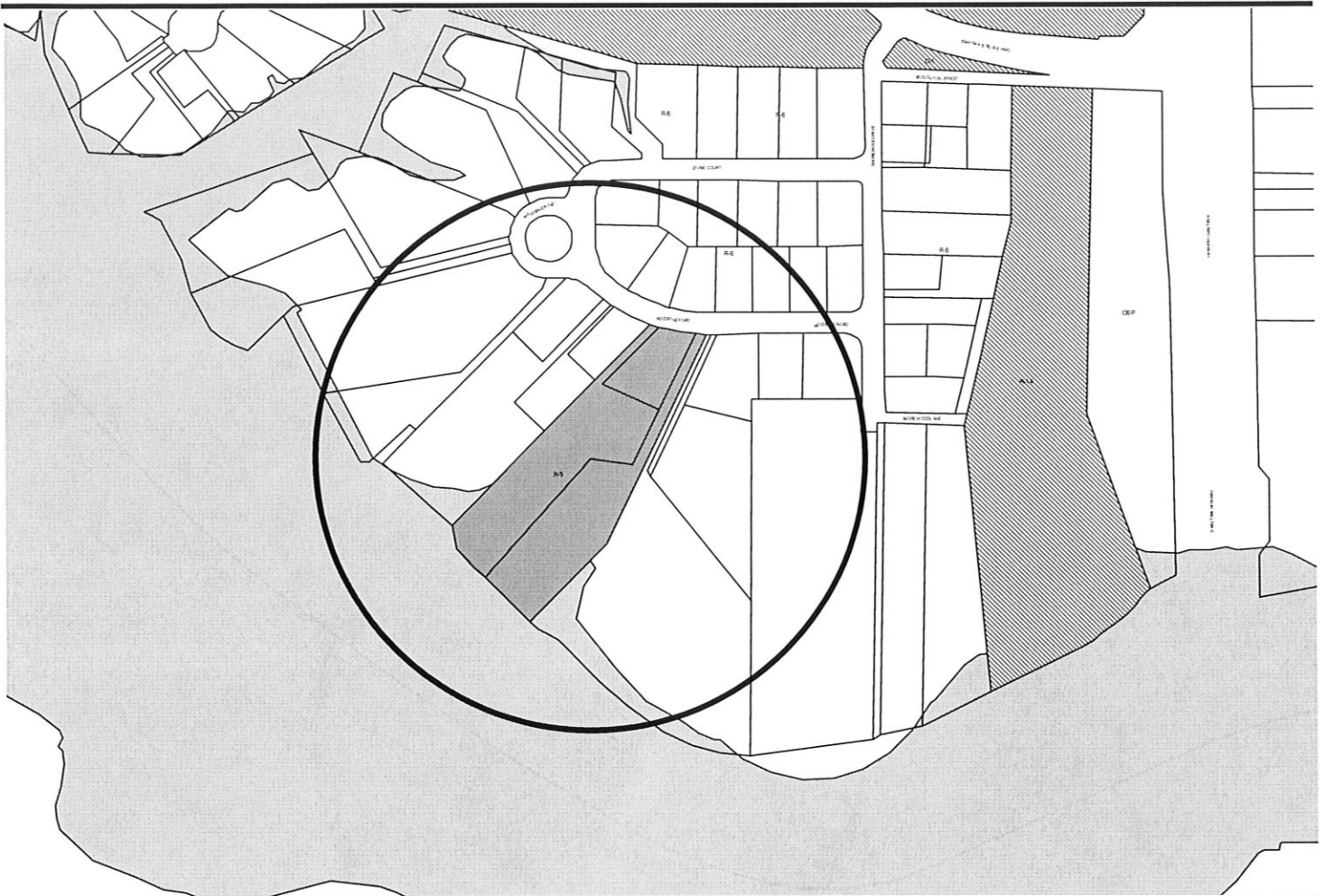


Stanley Stein
Acting Executive Secretary

Attachments

1. LOCATION AND ZONING
PROPOSED SPECIAL EXCEPTION

ROBERT K. HEDGEPEETH
5547-5553 Woodbine Road



Planning Commission Public Hearing

May 25, 2006

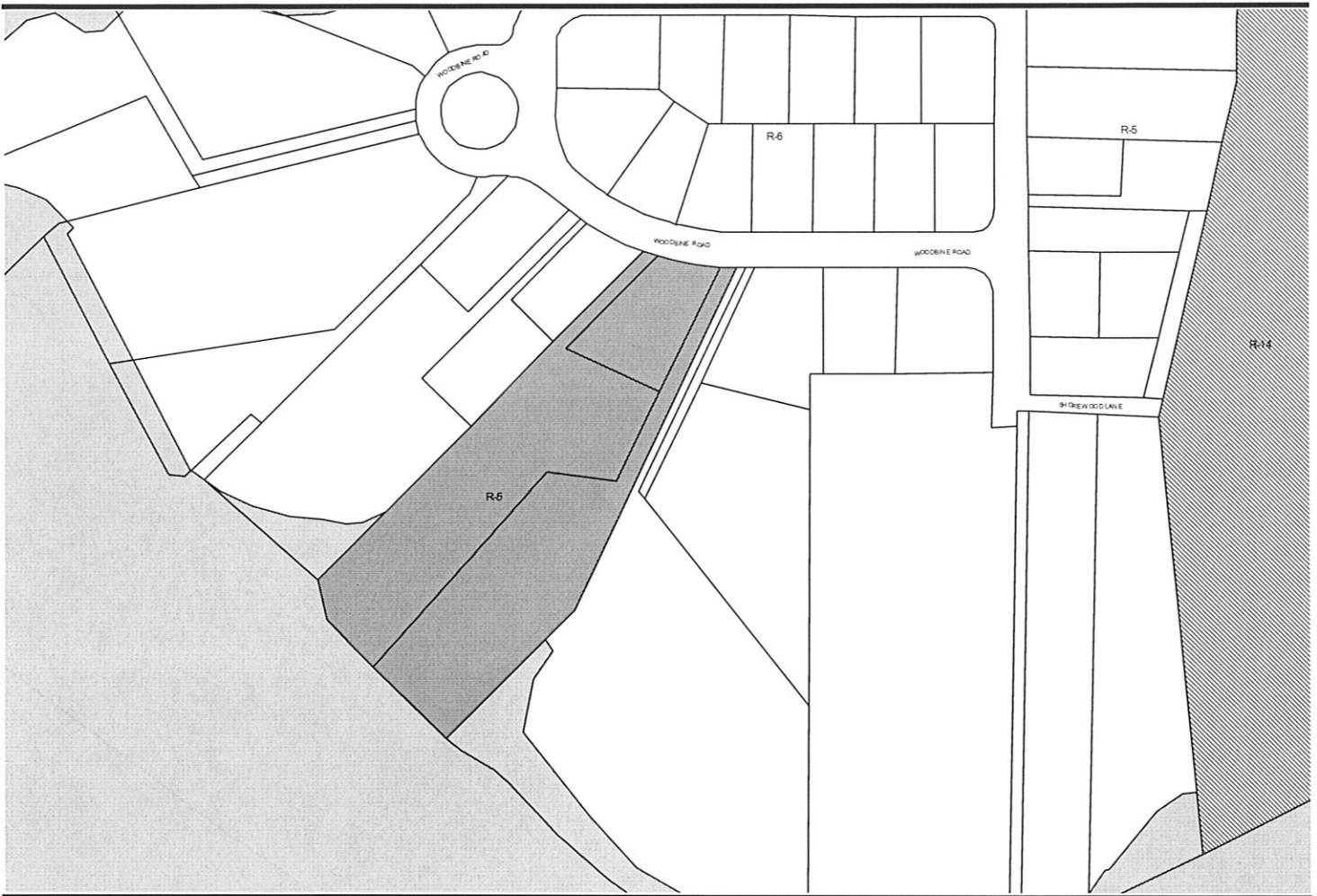
Continued Application 10

Location

2. SITE

PROPOSED SPECIAL EXCEPTION

ROBERT K. HEDGEPEETH
5547-5553 Woodbine Road



Planning Commission Public Hearing

May 25, 2006

Continued Application 10

 Location

3. SITE PLAN

PROPOSED SPECIAL EXCEPTION

ROBERT K. HEDGEPEETH
5547-5553 Woodbine Road

